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10/587,351

07/26/2006

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EXAMINER

CUMBESS, YOLANDA R

ART UNIT

PAPER NUMBER

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/587,351	<b>Applicant(s)</b> KURABAYASHI ET AL.	
	<b>Examiner</b> YOLANDA CUMBESS	<b>Art Unit</b> 3651	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 August 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 17-18 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/26/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-16 has been considered but are moot in view of the new ground(s) of rejection.

Newly submitted claims 17-18 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the binding processing device as mentioned in claims 1-16 do not require: the housing comprising a first end and a second end; binding processing device having a first longitudinal axis; sheet guide unit; sheet table unit disposed between the sheet guide unit; surface connected to the sheet table; clamp; binding mechanism section; sheet forward end regulating plate; or first configuration and second configuration as claimed. Accordingly the invention related to claims 1-16, and the invention related to claims 17-18 are directed to related products. These inventions are mutually exclusive.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 17-18 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 11, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Sasaki Takeshi, (JP Patent Publication No. 2003-212425). Relative to claims 1-3, and 11, Sasaki discloses: binding processing apparatus (200)(Fig. 3) comprising: a punching device (21)(Fig. 3); a sheet table (42)(Fig. 3) on which sheets of paper punched by the punching device (21) are stacked (Para. 0007); a binding mechanism section in which a division ring type binder (Para. 0004, lines 10-11; Para. 0006, lines 6-17)(Fig. 1-2) is attached to punch holes (H)(Fig. 1-2) of one set of sheets of paper stacked on the sheet table (42); a first positioning mechanism for positioning the sheets of paper in a sheet conveyance direction (42d); a second positioning mechanism (42b) for positioning the sheets of paper in a direction perpendicular to the sheet conveyance direction; the first and the second positioning mechanism (42d, 42b) position the sheets of paper so that the punch holes on the sheets of paper agree with a binding piece that simultaneously interlocks with a plurality of punch holes a time of binder attaching processing (Para. 0008, lines 23-30); the first positioning mechanism (42d)(Fig. 7) includes a sheet forward end position regulating plate (110)(Fig. 6) capable of being retracted and provided at a forward end portion of the sheet table (42)(Fig. 7) as a

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reference of aligning the forward end portions of the sheets of paper (Fig. 7), and after one set of sheets of paper is positioned, the sheet forward end position regulating plate (110) is retracted and the one set of sheets of paper are sent to the binding mechanism section (Para. 0012); the second positioning mechanism (42b) is capable of being raised and retracted from the sheet table (42)(Para. 0009-0010); and a booklet discharge mechanism (42a)(Para. 0009) for discharging a booklet which has been subjected to the binding process (Fig. 3).

Relative to claim 16, Yamada discloses the punching device (21); sheet table (42); binding mechanism section (41); first positioning mechanism (42d); second positioning mechanism (42b); wherein the first and second positioning mechanisms position the sheets of the paper such that the punch holes on the sheets of paper agree with a binding piece and the forward end position regulating plate (110) as mentioned above.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki in view of Kunzmann (US Patent No. 4,537,545). Relative to claims 4-9, Sasaki discloses all claim limitations, including a movable clamp (106)(Fig. 7) for clamping the

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sheets of paper (P) after the sheets of paper have been positioned; the movable clamp (106) positions the sheets of paper; and the movable clamp (106) is released so as to prepare for a supply of the next sheets of paper (Para. 0011-0012).

Sasaki does not expressly disclose: an upper side slide pin capable of descending downward from an upper position of the sheet table to the sheet table, the upper side slide pin is inserted into a punch hole formed on the sheets of paper on the sheet table so as to position the sheets of paper on the basis of the punch hole; the slide pin is retracted and the sheets of paper are sent to the binding mechanism section after the sheets of paper are clamped; after the upper side slide pin positions the sheets of paper, the slide pin is retracted; a lower side slide pin capable of ascending upward from a lower portion of the sheet table; an upper side slide pin the sheets of paper are positioned on the basis of the punch holes when the upper side and the lower side slide pin are inserted into the punch holes formed on the sheets of paper; the upper and the lower side slide pins are retracted and the sheets of paper are sent to the binding mechanism section, after the sheets of paper are clamped; the slide pin is retracted so as to prepare for a supply of the next sheets of paper, after the upper side slide pin positions the sheets of paper.

Kunzmann teaches: an upper side slide pin (4)(Fig. 3) capable of descending downward from an upper position of the sheet table to the sheet table, the upper side slide pin is inserted into a punch hole (51)(Fig. 3) formed on the sheets of paper on the sheet table so as to position the sheets of paper on the basis of the punch hole (51); the slide pin is retracted and the sheets of paper are sent to the binding mechanism section

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after the sheets of paper are clamped; after the upper side slide pin (4) positions the sheets of paper, the slide pin (4) is retracted; a lower side slide pin (5)(Fig. 3) capable of ascending upward from a lower portion of the sheet table; an upper side slide pin (5) the sheets of paper are positioned on the basis of the punch holes (51) when the upper side pin (4) and the lower side slide pin (4) are inserted into the punch holes (51) formed on the sheets of paper; the upper and the lower side slide pins (4, 5) are retracted and the sheets of paper are sent to the binding mechanism section, after the sheets of paper are clamped; the slide pin (4, 5) is retracted so as to prepare for a supply of the next sheets of paper, after the upper side slide pin (4) positions the sheets of paper (Col. 3, lines 14-30)(lines 63-68; Col. 4, lines 1-30).

Kunzmann teaches the upper slide pin and lower slide pin as mentioned above for the purpose of providing an apparatus for aligning a pile of hole-punched sheets for binding which is easy to operate, accurate, and which can be easily adapted for various circumstances (Col. 1, lines 39-47).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Sasaki with the upper and lower slide pins descending downward or ascending upwards into the punch holes to position the sheets as taught in Kunzmann for the purpose of providing an apparatus for aligning a pile of hole punched sheets for binding, which is easy to operate, accurate, and which can be easily adapted for various circumstances.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki in view of Okumura (US Patent No. 6,089,558). Relative to claim 11, Sasaki teaches all claim limitations as mentioned above, but does not expressly disclose a sheet table rotating mechanism for rotating the sheet table from a position opposed to the binding mechanism section so as to discharge the sheets of paper.

Okumura teaches a sheet table rotating mechanism (7)(Fig. 2) for rotating the sheet table from a position opposed to the binding mechanism section so as to discharge the sheets of paper for the purpose of providing (Col. 6, lines 1-35) a sheet-handling unit that maintains the alignment of sheet stacks and enables sheet stacking without damage. (Col. 1, lines 55-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Sasaki with the sheet table rotating mechanism as taught in Okumura for the purpose of providing a sheet-handling unit that maintains the alignment of sheet stacks and enables sheet stacking without damage.

Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki as applied to claim 1 above, and further in view of Yamada (US Patent No. 5,762,328). Relative to claims 12-13, Sasaki discloses all claim limitations, but does not expressly disclose: the discharge mechanism the booklets being successively and alternately shifted from each other in a lateral direction so that the rings of the binder attached to the next row of booklet can enter spaces formed between the rings of the binder attached to the front row of booklet; or the booklet discharge mechanism



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successively shifts a falling position of the booklet in a longitudinal direction so that the ring binders of the booklets can not be overlapped on each other.

Yamada teaches: a discharge mechanism (12), the booklets being successively and alternately shifted from each other in a lateral direction so that the rings of the binder attached to the next row of booklet can enter spaces formed between the rings of the binder attached to the front row of booklet; and the booklet discharge mechanism successively shifts a falling position of the booklet in a longitudinal direction so that the ring binders of the booklets cannot be overlapped on each other (Col. 3, lines 39-60), in order to provide an paper treating apparatus in which a conveying resistance can be stably applied while discharging a sheet bundle to reliably and productively produce bound sheet bundles (Col. 1, lines 59-67, Col. 2, lines 1-10).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Sasaki with the booklets being successively and alternately shifted as taught in Yamada in order to provide an paper treating apparatus in which a conveying resistance can be applied while discharging a sheet bundle to reliably and productively bounds sheet bundles.

Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki in view of Schluckebier et al (US Patent No. 3,269,720). Sasaki discloses all claim limitations, but does not expressly disclose: a container for receiving booklets discharged after the completion of binding processing; the container includes partitions for dividing the discharged booklets one by one, and the booklet discharge mechanism

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discharges the booklets one by one into the spaces divided by the partitions; a container for receiving booklets discharged after the completion of binding processing; a plurality of vertical type slats respectively provided on the right and the left in the container; and a longitudinally moving mechanism of moving the vertical slats, the right and the left vertical type slats are synchronously driven, and the booklets, which are discharged after the completion of binding processing, are accommodated in the spaces, which are divided by the vertical type slats one by one.

Schluckebier teaches: a container (11)(Fig. 1) for receiving booklets (27) discharged after the completion of binding processing; the container (11) includes partitions (see partitions near Ref. 27, see also Ref.30) for dividing the discharged booklets one by one, and the booklet discharge mechanism discharges the booklets one by one into the spaces divided by the partitions (Fig. 1); a container (11) for receiving booklets discharged after the completion of binding processing; a plurality of vertical type slats (see vertical slats near Ref. 27, see also Ref. 30) respectively provided on the right and the left in the container (Fig. 1); and a longitudinally moving mechanism of moving the vertical slats (26a,b)(31), the right and the left vertical type slats are synchronously driven, and the booklets (27), which are discharged after the completion of binding processing, are accommodated in the spaces, which are divided by the vertical type slats one by one (Col. 4, lines 10-60).

Schluckebier teaches the container for receiving booklets as mentioned above, in order to provide an apparatus for separating sheet elements and moving them through a

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feed path, further delivering the sets of sheet elements for arrangement into fixed stacks (Col. 1, lines 10-20).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Sasaki with the container for receiving booklets as taught in Schluckebier in order to provide an apparatus for separating sheet elements and moving them through a feed path, further delivering the sets of sheet elements for arrangement into fixed stacks.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOLANDA CUMBESS whose telephone number is (571)270-5527. The examiner can normally be reached on MON-THUR 9AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GENE CRAWFORD can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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